

FREEDOM IN THE WORLD 2021

Brazil

FREE

74

/100

<u>Political Rights</u>	31 /40
<u>Civil Liberties</u>	43 /60

LAST YEAR'S SCORE & STATUS

75 /100 Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



Overview

Brazil is a democracy that holds competitive elections, and the political arena, though polarized, is characterized by vibrant public debate. However, independent journalists and civil society activists risk harassment and violent attack, and the government has struggled to address high rates of violent crime and disproportionate violence against and economic exclusion of minorities. Corruption is endemic at top levels, contributing to widespread disillusionment with traditional political parties. Societal discrimination and violence against LGBT+ people remains a serious problem.

Key Developments in 2020

- Brazil was one of the world's worst-affected countries during the COVID-19 pandemic. According to University of Oxford researchers, the country registered over 190,000 deaths and 2 million cases by the end of 2020, and public health specialists decried the dismissive attitude and misinformation-laden response by national authorities, especially President Jair Bolsonaro.
- Tension between President Bolsonaro and other members of the political establishment remained high throughout the year, as the president clashed with state governors over the COVID-19 response and with Congress and the Supreme Court over various policy and oversight issues.
- In April, Minister of Justice Sérgio Moro, an influential anticorruption crusader, resigned after alleging that President Bolsonaro had attempted to interfere with management of the Federal Police in order to favor Bolsonaro's own interests.

Political Rights

A. Electoral Process

A1 0-4 pts

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Was the current head of government or other chief national authority elected through free and fair elections?

3/4

Brazil is a federal republic governed under a presidential system. The president is elected by popular vote for a four-year term and is eligible for reelection to a second term.

In the 2018 race, candidates made their cases to voters disillusioned by persistent, high-level corruption scandals, and increasingly concerned by a difficult economic environment and a rise in violent crime. Jair Bolsonaro, then of the far-right Social Liberal Party (PSL), won the election, taking 55.1 percent of the vote in a runoff against Fernando Haddad of the leftist Workers' Party (PT). Bolsonaro's campaign was characterized by a disdain for democratic principles and aggressive pledges to wipe out corruption and violent crime. An Organization of American States (OAS) election observation mission generally praised the poll's administration, and stakeholders quickly accepted its result. However, the highly polarized campaign was marred by the spread of fake news, conspiracy theories, and aggressive rhetoric on social networks and online messaging services (notably WhatsApp). There were also frequent preelection threats and violence targeting candidates, political supporters, journalists, and members of the judiciary. While most of the reported incidents appeared to involve attacks by Bolsonaro supporters, his backers were also targeted, and Bolsonaro was stabbed at a rally in early September, forcing him to cut back on public appearances a month before the election.

Municipal elections were held throughout the country in November 2020. Centrist and conservative parties not aligned with the president made gains and PT mayoral candidates suffered losses, while Bolsonaro-backed candidates performed poorly.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

3/4

Legislative elections are generally free and fair. The bicameral National Congress is composed of an 81-member Senate and a 513-member Chamber of Deputies. Senators serve staggered eight-year terms, with one- to two-thirds coming up for election every four years. Members of the Chamber of Deputies serve four-year terms.

In the October 2018 elections, the PT lost seats but remained the largest party in the lower house, with 56 deputies. Bolsonaro's PSL captured 52 seats, up from just a single seat previously. In the Senate, the center-right Brazilian Democratic Movement (MDB, previously PMDB) maintained its lead with a total of 12 seats, while the Brazilian Social Democratic Party (PSDB) holds 9, followed by the Social Democratic Party (PSD), Democrats (DEM), and PT, which each hold 4 seats. The PSL entered the chamber after capturing 4 seats.

The 2018 legislative elections were held concurrently with the first round of the presidential election; campaigning thus took place in the same highly polarized environment, marked by aggressive rhetoric and instances of political violence.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4/4

Brazilian election laws are generally well enforced. A Supreme Electoral Court (TSE) presides over cases related to violations of electoral law.

In late 2019 and early 2020 the TSE published new rules and standards and established a task force to rapidly respond to digital disinformation networks and campaigns. The coordination involved collaboration with both civil society groups and tech companies such as Facebook and Google. Politicians and their allies continued to spread digital disinformation in the run-up to the November 2020 municipal elections, though not as intensively as in the 2018 general elections. Investigations by the TSE into the role of Bolsonaro and close supporters in coordinating disinformation networks continued throughout the year.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

Brazil has an unfettered multiparty system marked by vigorous competition among rival parties. The electoral framework encourages the proliferation of parties, a number of which are based in a single state. Some parties display little ideological consistency. Party switching is common by members of Congress, rendering electoral coalitions fragile. The sheer number of parties means that the executive branch must piece together diverse and often ideologically incoherent coalitions to pass legislation. In late 2019, Bolsonaro left the PSL to create the Alliance for Brazil (APB), but the party had not achieved formal registration and the president remained unaffiliated as of the end of 2020.

Ahead of the 2018 elections, 35 parties were registered, 30 of which won seats in the lower chamber—the largest number of parties seated there since Brazil’s return to electoral politics in 1985. However, political parties operate with little transparency and under no governance rules, and often are targets of investigations into the misuse of public funds.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Opposition parties are able to compete freely and gain power through elections at both the federal and subnational levels. Ahead of the 2018 polls, Bolsonaro’s former

small, far-right PSL succeeded in attracting widespread support in a short amount of time. Elected officials in subnational positions are often influential political actors, and prominent opposition to Bolsonaro has come from these leaders.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

3/4

Recent investigations into corruption have exposed how powerful business interests undermine democratic accountability by facilitating or encouraging corruption among elected officials. Criminal groups have carried out attacks against political candidates. In 2018, Rio de Janeiro councilwoman Marielle Franco, a Black lesbian politician who was an outspoken advocate for minorities, was murdered. Investigations into the crime revealed corruption schemes and the growing power of militia groups in Rio de Janeiro State, whose membership includes active and retired members of the local police force. Although two alleged perpetrators were detained in 2019, the mastermind of the crime remained unknown. Militias and other criminal organizations—which may exercise significant control over campaigning and other political activity within their territories—were partly blamed for a rise in violence as the 2020 municipal elections approached; at least 25 candidates were killed prior to the November balloting.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

3/4

The constitution guarantees equal rights without prejudice, but some groups have greater political representation than others. Afro-Brazilians and women and their interests remain underrepresented in electoral politics and in government.

The 2020 municipal elections produced improvements for several underrepresented groups: self-identified Afro-Brazilians garnered approximately 44 percent of city council seats; the number of Indigenous mayors and council members rose nearly 30 percent; LGBT+ candidates won a record number of seats; and the number of women elected rose modestly compared to 2016. Gains in diversity were abetted by a September TSE ruling that parties must distribute public campaign funds equitably between White and non-White candidates.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

3/4

Widespread corruption undermines the government's ability to make and implement policy without undue influence from private or criminal interests.

During the 2010s, the functioning of government was severely hampered by a rolling political crisis that saw the removal of President Dilma Rousseff following charges she had improperly manipulated the state budget. Her term was completed by Michel Temer, who had been vice president; Temer soon became the subject of separate charges by the attorney general of bribery and obstruction of justice, which the lower house subsequently blocked. Corruption was a chief concern for voters during the 2018 elections that brought Bolsonaro to power—as well as a more autonomous legislature.

Given Bolsonaro's lack of a stable governing coalition, congressional leaders have gained political prominence since he came to power. This influence was preserved in 2020, as Congress helped fill a vacuum in responding to the COVID-19 pandemic. State governors also played an active role during the pandemic, with many insisting on more stringent restrictions and vocally objecting to Bolsonaro's management.

The presence of thousands of active-duty and retired military officials in the Bolsonaro administration, along with the expansion of military missions to areas like environmental protection, has prompted unease about growing armed forces influence in politics. These concerns were particularly acute in mid-2020, when the press reported on a meeting in which the president, with the support of several generals, came close to ordering a shutdown of Congress and the Supreme Court.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Corruption and graft are endemic in Brazil, especially among elected officials. Beginning in 2014, an investigation known as Operation Car Wash focused on bribery, money laundering, and bid-rigging involving state oil company Petrobras and private construction companies. In addition to former Petrobras executives and heads of major construction firms, its findings have also implicated elected officials from across the political spectrum. Sérgio Moro, then serving as a crusading judge, became the face of the crackdown, and subsequently joined the incoming Bolsonaro administration as justice minister.

However, a series of investigative reports known as Car Wash Leaks, published by the online outlet The Intercept Brasil in 2019, exposed an improper relationship between Moro (in his role as judge) and federal prosecutors, in which Moro had shared advice on how to prosecute high-level corruption cases. One such case was that of former president Luiz Inácio “Lula” da Silva, who was convicted on corruption charges and imprisoned in 2018 before being freed in November 2019, after the Supreme Court ruled that defendants must be released while appeals are pending. Investigations related to Operation Car Wash continued throughout 2020, but the primary task force was substantially dismantled.

In April 2020, Moro resigned in protest from the Justice Ministry after President Bolsonaro attempted to interfere with the federal police—one of the agencies tasked with investigating Bolsonaro’s family members and associates. Criminal inquiries have targeted multiple members of Bolsonaro’s family, and in October, one of the

president’s sons, Senator Flavio Bolsonaro, was charged for diverting public resources when he was a state deputy in Rio de Janeiro.

Numerous corruption allegations also occurred amid Brazil’s widely criticized response to the COVID-19 pandemic. In September, Rio de Janeiro state governor Wilson Witzel was suspended from office as a federal probe investigated graft stemming from pandemic-related procurement processes.

C3 0-4 pts

Does the government operate with openness and transparency?	2 / 4
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Brazil enacted a Freedom of Information Act in 2012, but in practice, the government does not always release requested information, and when doing so, not always in machine-readable formats. Compliance with the legislation also varies among Brazil’s 26 states and the Brasília Federal District.

The Bolsonaro administration undermined transparency and the president routinely spread misinformation about the virus, labeling it a “little flu” and advocating use of discredited medications, particularly hydroxychloroquine. In April 2020, Bolsonaro attempted to limit requirements to respond to information requests, but the Supreme Court blocked the initiative. Coronavirus-related transparency portals maintained by subnational governments partially compensated for federal shortcomings by providing information on emergency contracts, donations, and social protection measures.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

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The constitution guarantees freedom of expression, and the media scene is vibrant. However, investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and violence, which in some cases has been deadly.

Journalists who criticized Bolsonaro face online and offline harassment, and outlets that carried such criticism face economic pressure from the government. Reporters Without Borders (RSF) tallied 580 attacks in 2020 linked to the “Bolsonaro system” of harassment and abuse, mostly disseminated through social media. In August, the president threatened to punch a journalist who asked about his family’s links to corruption allegations. This environment emboldened presidential allies such as Marcelo Crivella, the mayor of Rio de Janeiro, who assigned municipal employees to intimidate interviewees and hinder journalistic coverage of the COVID-19 pandemic. As of August 2020, Article 19 had tallied 82 pandemic-related attacks on reporters.

The legal framework provides inadequate protection for freedom of expression. Defamation is subject to criminal penalties, and in 2020 high-ranking officials requested criminal investigations of several journalists and a Supreme Court justice for criticisms of the government’s response to the pandemic. A bill purportedly intended to combat disinformation passed the Senate in June 2020, but multiple provisions were criticized by domestic and international press freedom and human rights groups, and the bill remained pending in the lower house at year’s end.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

4/4

The constitution guarantees freedom of religion, and the government generally respects this right in practice. However, violence against Afro-Brazilian religious groups is frequent, especially in Rio de Janeiro’s favelas. The Commission to Combat Religious Intolerance, composed of judges and public prosecutors, registered over

200 Afro-Brazilian temples (“terreiros”) closed in 2019 after assaults or threats from evangelical drug dealers; these groups operate and claim territory like other Brazilian drug-trafficking operations, but also seek to repress faiths that do not align with their own.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

4/4

Academic debate is vibrant and freedom is generally unrestricted in schools and universities. Education policy has become increasingly politicized under the Bolsonaro administration, and some professors and researchers have sought temporary refuge abroad following threats in Brazil. In June 2020, Bolsonaro used the COVID-19 pandemic to justify a regulation strengthening executive branch control over the appointment of rectors of federal universities, but the measure was dropped following civil society and congressional opposition.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

People are generally able to express personal views in public without fear of surveillance or retaliation. However, in the tense 2018 campaign atmosphere, some political speech was met with acts of violence. A prevalence of violent homophobic rhetoric in recent years has contributed to a sense of fear among many that open discussion of LGBT+ rights and issues could be met with harassment or attack.

Intimidation and harassment by progovernment troll groups on social media remains a serious problem in Brazil. Investigations into the role of Bolsonaro allies, including family members, in the disinformation campaigns continued throughout 2020.

In June 2020, the Ministry of Justice compiled a set of dossiers of 579 federal and state security officials, along with three academics, identified as “antifascists,” in

August, the Supreme Court barred the production and use of such profiles. This followed Bolsonaro supporters' dissemination on social media of several similar lists of "antifascist" private citizens.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	3/4
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While freedom of assembly is generally respected, police or other security agents sometimes use excessive force against demonstrations.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	3/4
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Nongovernmental organizations (NGOs) are able to operate freely in a variety of fields. However, activists working on land rights and environmental protection issues have faced harassment, threats, and violence in recent years, along with verbal hostility from Bolsonaro and other administration officials.

In November 2020 media reports circulated regarding Bolsonaro administration plans to control NGO activity in the Amazon, generating concerned reaction by Brazilian groups and European parliamentarians, but no concrete actions had been taken by year's end.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3/4
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Industrial labor unions are well organized, and although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in other Latin American countries. However, controversial labor reforms enacted in 2017 diminished the strength and role of unions in collective bargaining with businesses.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	3/4
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The judiciary, though largely independent, is overburdened, inefficient, and often subject to intimidation and other external influences, especially in rural areas. Despite these shortcomings, the country's progressive constitution has resulted in an active judiciary that often rules in favor of citizens over the state.

The Supreme Court has maintained its role as an autonomous counterweight to the executive. Tensions remained high in 2020, with allies of the president frequently issuing verbal attacks and threats against the court. Starting in April, right-wing Bolsonaro supporters held a series of demonstrations demanding the chamber's closure, leading to investigations by the court and the attorney general's office that continued during the rest of the year. Despite the interbranch hostility, in September Bolsonaro appointed a relative moderate to fill an open court seat.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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The judiciary generally upholds the right to a fair trial. However, federal, state, and appellate courts are severely backlogged. The state struggles to provide legal counsel for defendants and prisoners who are unable to afford an attorney. Access to justice also varies greatly due to Brazil's high level of income inequality. Under a 2017 law,

members of the armed forces and military police accused of certain serious crimes against civilians can be tried in military, rather than civilian, courts.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1 / 4

Brazil has a high homicide rate, though it decreased in 2018 and 2019 before rising slightly in the first nine months of 2020, according to *O Globo* newspaper's Violence Monitor. Victims are often caught in crossfire between highly organized and well-armed drug-trafficking outfits, as well as between those outfits and security forces.

Brazil's police force remains mired in corruption, and serious police abuses, including extrajudicial killings, continued in 2020. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. A 2020 Brazilian Public Security Forum report indicated increasing significant rises in police violence in recent years, peaking at 6,357 deaths—of whom 80 percent were Black or brown—in 2019.

Police violence is particularly acute in Rio de Janeiro: law enforcement agents killed over 1,800 people in 2019, and the pace was similar through May 2020. In June 2020, however, the Supreme Court forbade most police operations in Rio de Janeiro's slums during the COVID-19 pandemic, leading to a sharp decline in police violence in the following months.

Conditions in Brazil's severely overcrowded prisons are life-threatening, characterized by disease, a lack of adequate food, and deadly gang-related violence. Violence is more likely to affect poor, Black prisoners. Although courts ordered the release of over 50,000 prisoners to ease overcrowding amid the COVID-19 pandemic, the coronavirus had caused the deaths of over 200 prisoners and facility staff as of October.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2 / 4

Some populations are not able to fully exercise their human rights in practice. Many Indigenous communities—who comprise about 1 percent of the population—suffer from poverty and lack adequate sanitation and education services.

Just over half of Brazil’s population identifies as Black or of mixed race. Afro-Brazilians suffer from high rates of poverty and illiteracy, and almost 80 percent of Brazilians living in extreme poverty are Black or mixed race. Victims of violence in Brazil are predominantly young, Black, and poor: according to a 2020 report by the Brazilian Public Security Forum, nearly 75 percent of violence victims in 2019 were Black. The same group noted that the number of femicides grew approximately 7 percent in 2019, and an additional 2 percent in the first half of 2019.

Although Brazil has a largely tolerant society, it reportedly has one of the world’s highest levels of violence against LGBT+ people. According to Grupo Gay da Bahia, an LGBT+ advocacy organization, 297 LGBT+ people were killed in 2019 as a result of homophobic violence, marking a nearly 30 percent drop from the group’s figures for the previous year. Grupo Gay reported 152 murders of transgender Brazilians between October 2019 and September 2020, a small rise from the previous period.

In 2019, despite intense pressure from some religious and political leaders, the Supreme Court ruled LGBT+ people are protected under a criminal law that prohibits discrimination on the basis “race, color, ethnicity, religion, and national origin.”

Indigenous lands have been subject to increased pressure since Bolsonaro took office, encouraged by his rhetoric and support for easing environmental laws. Indigenous groups were severely affected by the COVID-19 pandemic, and Congress was forced to override Bolsonaro’s veto of several provisions of an aid package designed to help protect Indigenous peoples from the virus.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4 / 4

Brazilians enjoy freedom to travel within and outside of the country, and to make decisions about their places of residence and employment, though access to high-quality education across all levels remains a challenge. Gang violence in favelas at times has impeded free movement, and has prompted schools to shut down temporarily.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

3 / 4

While property rights are generally enforced, laws granting indigenous populations exclusive use of certain lands are not always upheld, sometimes leading to violent conflicts. According to figures released by the Pastoral Land Commission, at least 18 people were murdered over land and resource disputes in 2020, and invasions of indigenous lands rose markedly. According to Human Rights Watch, the federal government almost completely ceased collecting environmental fines starting in late 2019 and continuing into 2020, even as illegal deforestation increased.

Requirements for starting new businesses are often onerous, but authorities have taken some steps to ease the process. Legislation approved in August 2019 loosened licensing and inspection requirements for small businesses, for example. Corruption and organized crime can pose obstacles to private business activity.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

3 / 4

The government generally does not restrict social freedoms. Same-sex marriage became legal in 2013. However, while a 2006 law sought to address Brazil's high rates of impunity for domestic violence, violence against women and girls remains widespread. Abortion is legal only in the case of rape, a threat to the mother's life, or a rare and usually fatal brain deformity in the fetus, and in August 2020 the Ministry of Health imposed new reporting requirements on clinicians in cases of rape victims seeking abortions. These restrictions limit women's reproductive choices and impinge on family planning.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Slavery-like working conditions pose a significant problem in rural and urban zones. A 2012 constitutional amendment allows the government to confiscate all property of landholders found to be using slave labor, a measure often criticized by Bolsonaro. Deeply entrenched patterns of discrimination, including precarious employment in the informal economy, contributed to Afro-Brazilians suffering higher infection and mortality as a result of the COVID-19 pandemic.

Since 2013 the Brazilian economy has suffered from mismanagement, including negligence and corruption in large state-owned mining and oil enterprises, and successive administrations have failed to address distortions caused by economic concentration. A 20-year budgetary spending cap enacted in 2016 resulted in cuts to public services and poses a serious obstacle to using state spending to ameliorate inequality of opportunity.

At the outset of the COVID-19 pandemic, poverty and inequality in Brazil had risen more since 2014 than in any other country in Latin America, and the pandemic led to record unemployment and workforce reductions. An emergency aid program provided to offset coronavirus-induced disruptions reduced poverty rates in 2020, but was scheduled to phase out in 2021 and did not include any structural changes to counter the trend toward higher inequality.

Score Change: The score declined from 3 to 2 due to a multiyear trend of rising poverty, income inequality, and barriers to social mobility, combined with the economic effects of the COVID-19 pandemic, which created record unemployment and left many Brazilians dependent on temporary public assistance.



On Brazil

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Country Facts

Global Freedom Score

74/100 **Free**

Internet Freedom Score

63/100 **Partly Free**

Other Years

2020

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